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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicants: Patrick D. Smith

Application No. 09/470,890

Filed: December 22, 1999

Title: METHOD AND APPARATUS FOR AUTOMATED
CORRELATION OF DIGITAL MODULATION IMPAIRMENT

Art Unit: 2631

Examiner: Kevin Michael Burd

Docket No.: PD05924AM (now RGS03393)

Via Facsimile 703-872-9306

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

NEW DECLARATION

Sir:

In response to the final Office Action, dated December 15, 2003, requirement for a new oath, as noted in paragraph 4 of the Action, is acknowledged. Further to the **Petition Under 37 CFR 1.136(a) and RESPONSE TO FINAL OFFICE ACTION**, filed on April 15, 2004, in which the undersigned attorney noted that a new oath would be forwarded as soon as possible (page 10 in the Remarks section). A new duly executed declaration for the above referenced application is filed herewith accordingly. This new declaration is in compliance with 37 CFR 1.67(a) and correctly identifies the citizenship of the inventors.

This now completes the response to the Final Office Action. Applicant respectfully requests that the enclosed declaration replace the declaration originally filed.

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If a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact Applicants' undersigned attorney. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

By: Karin L. Williams
Karin L. Williams, Attorney for Applicant

Reg. No. 36,721

5/10/04
Date

Mayer Fortkort & Williams PC
251 North Avenue West, 2nd floor
Westfield, NJ 07090
Telephone: 908-518-7700
Fax: 908-518-7795

Certificate of Facsimile

I hereby certify that this correspondence and any document referenced herein is being sent by facsimile to the United States Patent and Trademark Office at 703-872-9306 on 05/10/2004.

Debra Rosenbaum
(Name of Person Transmitting Correspondence)

Debra Rosenbaum
(Signature)